

REMARKS

Claims 1-9 are pending in the instant application. The examiner has required restriction of the claims in the following groups:

- | | |
|-----------|--|
| Group I | Claims 1-4, drawn to a process for preparing methyl formate |
| Group II | Claims 5-7, drawn to a plant |
| Group III | Claim 8, drawn to a desalting apparatus |
| Group IV | Claim 9, drawn to a combination of a distillation and desalting apparatus. |

Applicants wish to elect Group I claims 1-4 with traverse. The applicants wish to traverse the restriction requirement on the grounds that the examiner has applied the incorrect standard of invention. In the office action dated July 11, 2003, the examiner cites MPEP §§ 805, 806 and 808 in support of the reasons for restriction. However, these sections of the MPEP are the office's interpretation of 37 CFR §§1.141-1.146 which are directed to restriction of US applications filed under 35 USC §111(a).

According to MPEP §1896, applications which enter the national stage after compliance with 35 USC §371 are subject to unity of invention practice in accordance with 37 CFR §§1.475 and 1.499. (MPEP §1896, IV. Unity of Invention; Rev.1, Feb. 2003). The instant application has met the requirements of 35 USC §371 as evidenced in the "Notice of Acceptance of Application Under 35 USC §371 and 37 CFR §1.494 or §1.495" mailed on April 1, 2002. Thus, the restriction requirement is the result of the use of an incorrect standard of invention. Accordingly, applicants request the restriction

requirement be withdrawn and the application should be examined under the standard for unity of invention in accordance with 37 CFR §§1.475 and 1.499.

Furthermore, in accordance with 37 CFR §1.121(c) (effective July 30, 2003), a listing of the claims is not provided herewith as no claims have been changed, deleted or added.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read 'Lesley E. Shaw', with a long horizontal flourish extending to the right.

Lesley E. Shaw
Reg. No. 52,214

1350 Connecticut Ave., N.W.
Washington, D.C. 20036
(202)659-0100

LES/kas